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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 JOHN KARCZEWSKI,

12 Plaintiff,

13 v.

14 CONANT AUTO RETAIL, SAN DIEGO
15 INC., a California Limited Liability
16 Company,

17 Defendant.

Case No.: 3:14-cv-02615-JAH-JLB

**ORDER SPREADING THE
MANDATE OF THE NINTH
CIRCUIT [Doc. No. 20]**


18 On August 1, 2017, the Court received the United States Court of Appeals for the
19 Ninth Circuit's mandate and memorandum vacating this Court's order granting
20 Defendant's motion to dismiss with prejudice. The Ninth Circuit remanded this action for
21 further proceedings in light of Karczewski v. DCH Mission Valley, LLC, No. 15-55633.
22 Specifically, the Ninth Circuit held that Plaintiff has alleged facts sufficient to state a claim
23 under 42 U.S.C. § 12182(b)(2)(A)(ii).

24 Accordingly, IT IS HEREBY ORDERED:

- 25 1. The mandate issued by the Ninth Circuit on July 10, 2017 is spread;
26 2. The Clerk of Court is directed to reopen this matter for further proceedings as
27 directed by the Ninth Circuit.
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1 3. Based on the Ninth Circuit's determination that Plaintiff's allegations are
2 sufficient to warrant an answer, Defendant must file an answer on or before **December 29,**
3 **2017.**

4 DATED: December 8, 2017

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8 JOHN A. HOUSTON
9 United States District Judge
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